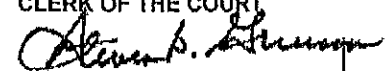


EXHIBIT “A”

EXHIBIT “A”

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Steven D. Grierson
CLERK OF THE COURT



CASE NO: A-20-818888-C
Department 28

1 **COMP**
2 ELLER LAW, LLC
3 CRYSTAL ELLER, ESQ.
4 Nevada Bar No.4978
5 NICOLE BOLICK, ESQ.
6 Nevada Bar No. 15015
7 104 S. Jones Blvd.
8 Las Vegas, NV 89107
9 (702) 685-6655 Phone
10 (702) 685-5553 Fax
11 Crystal@crystalforthepeople.com
12 Attorney for Plaintiff

8
9 **THE EIGHTH JUDICIAL DISTRICT COURT**
10 **CLARK COUNTY, NEVADA**

11 Karin Volz, an individual
12
13 Plaintiff,

14 vs.

CASE NO:

DEPT NO:

15 THE KROGER CO., a Foreign Corporation
16 dba SMITH'S #385; SMITH'S FOOD &
17 DRUG CENTERS, INC., a Foreign
18 Corporation dba SMITH'S #385, and DOES I
19 through X, inclusive, and Roe Corporations XI
20 through XX, inclusive

21 Defendants.

22 **COMPLAINT**

23 COMES NOW, KARIN VOLZ by and through her attorney, CRYSTAL ELLER,
24 ESQ., of ELLER LAW, LLC, and for their causes of action against Defendants THE
25 KROGER CO., a Foreign Corporation dba SMITH'S #385; SMITH'S FOOD & DRUG
26 CENTERS, INC., a Foreign Corporation dba SMITH'S #385, and DOES I through X,
27 inclusive, and Roe Corporations XI through XX, inclusive complains and alleges as follows;
28

I.

PARTIES AND JURISDICTION

1. Plaintiff, KARIN VOLZ, is a 75 year old woman who at all times mentioned hereto, is a resident of the State of California.

2. Upon information and belief, at all times mentioned herein, Defendant, THE KROGER CO. (hereinafter referred to as "Defendant Kroger") was a Foreign Corporation, conducting business in Clark County, Nevada as Smiths #385 and was duly authorized to conduct business in the State of Nevada and was conducting business in Clark County, Nevada.

3. Upon information and belief, at all times mentioned herein, Defendant SMITH'S FOOD & DRUG CENTERS, INC (hereinafter referred to as "Defendant Smith's") was a foreign Corporation conducting Business in Clark County, Nevada as Smith's #385 and was duly authorized to conduct business in the State of Nevada and was conducting business in Clark County, Nevada.

4. Upon information and belief, at all times mentioned herein, said "Defendant Kroger", "Defendant Smith's", and Roe Corporations XII through XV owned, operated, controlled, and/or maintained, without limitation, that certain property Smith's #385 located at 2211 N Rampart Blvd, Las Vegas, NV 89128 for the purpose of carrying on a business for profit, along with all areas within the building and in the parking lot wherein the incident at issue occurred, (hereinafter referred to as the "Premises").

5. Upon information and belief, at all times mentioned herein, Doe Defendants I-X and Roe Defendants XI-XX were legal residents or entities of Clark County, Nevada, and authorized to do business in the State of Nevada. Furthermore, said Doe and Roe Defendants were employees, agents, or servants of Defendants and functioned and assisted in the operation, control, maintenance, supervision, and/or management of said "Premises".

6. That the true names or capacities, whether individual, corporate, associate, or otherwise of Defendants, DOES I through X, inclusive, and Roe XI through XX inclusive, and

1 each of them, are unknown to Plaintiff who therefore sues and Defendants by such fictitious
2 names and will ask leave to amend this complaint to show their true names and capacities when
3 the same have been ascertained. Plaintiff Karin Volz is informed and believes and thereon alleges
4 that each of the Defendants designated herein as a DOE or a ROE negligently and/or legally
5 caused the injuries and damages proximately thereby to Plaintiff as herein alleged.

6 7. Plaintiff will ask leave of the Court to amend this Complaint to insert the true
7 names and capacities of said Defendants, DOES I-X and ROE CORPORATIONS XI-XX,
8 inclusive, when the same have been ascertained by Plaintiff, together with appropriate charging
9 allegations, and to join said Defendants in the action.

10 8. Defendants, and each of them, are jointly and severally liable for all applicable
11 causes of action and for all damages as hereinafter alleged.

12 II.

13 RELEVANT FACTS TO ALL CAUSES OF ACTION

14 9. On or about September 13, 2018, Plaintiff Karin Volz was grocery shopping at
15 Smith's #385 located at 2211 N Rampart Blvd, Las Vegas, NV 89128.

16 10. At all times relevant herein Plaintiff Karin Volz was an invitee of "Defendant
17 Kroger" and/or "Defendant Smith's" #385 grocery store and was shopping on said "Premises"
18 when she tripped and fell in the parking lot and was injured as hereinafter alleged.

19 11. At the time and place aforesaid, the "Defendant Kroger" and/or "Defendant
20 Smith's", acted negligently and/or negligently failed to act, and otherwise conducted themselves
21 with disregard for the personal safety of the Plaintiff and/or negligently operated and maintained
22 the "Premises" and as a direct and proximate result thereof did proximately cause Plaintiff Karin
23 Volz to trip and fall on a large foreign object and as a proximate result thereof she has suffered
24 the hereinafter described injuries and damages.

25 12. As a direct and proximate result of the carelessness and/or negligence of
26 "Defendant Kroger" and/or "Defendant Smith's", Plaintiff Karin Volz suffered injuries to her
27

1 body and shock and damage to her nervous system and person, all of which said injuries have
2 caused, and continue to cause, Plaintiff Karin Volz great mental and physical pain and suffering,
3 resulting in some permanent disability to Plaintiff, all to Plaintiff Karin Volz's general damages
4 in an amount in excess of \$15,000.

5 13. That by reason of the premises and as a further direct and proximate result of the
6 negligence of "Defendant Kroger" and/or "Defendant Smith's", Plaintiff Karin Volz was
7 required to and did seek medical attention and care, and did incur medical expenses, and Plaintiff
8 may be required to seek further medical care, and incur further medical expense in an amount at
9 the present time unascertained, and therefore asks leave to prove, and if required by the Court, to
10 amend this Complaint to show the reasonable value of such medical care at the time of the trial.

11 14. That it has been necessary for Plaintiff Karin Volz to retain the services of an
12 attorney to prosecute this action and is therefore entitled to reasonable attorney's fees and costs
13 herein.

14 III.
15 FIRST CAUSE OF ACTION
16 (NEGLIGENCE)

17 15. Plaintiff repeats and re-alleges each and every foregoing paragraphs 1 through 14
18 set forth above and incorporates the same by reference as though fully set forth at length herein.

19 16. Plaintiff is informed and believes and thereon alleges that, at all times hereinafter
20 mentioned, the Defendants, end each of them, were the agents and employees of all other
21 Defendants, and each other, and were acting within the course and scope of their agency and/or
22 employment and are negligently or legally responsible for Plaintiff Karin Volz's injuries and
23 damages as herein alleged.

24 17. That in doing the things described herein the "Defendant Kroger" and/or
25 "Defendant Smith's" acted negligently and/or negligently failed to act, and otherwise conducted
26 themselves with disregard for the personal safety of Plaintiff Karin Volz which proximately
27 resulted in the injuries and damages alleged herein.

1 18. That on or about September 13, 2018, Plaintiff Karin Volz was walking to her
2 car in a reasonably safe, prudent, and non-negligent manner in the "Premises" of "Defendant
3 Kroger" and "Defendant Smith's" dba Smith's Grocery store #385. The "Premises" contains
4 low-rise beds of large cement or asphalt rocks around the cars and cart return areas. On this
5 day, the large rocks/debris were not contained in the "beds" and were scattered in the parking
6 lot where customers routinely walk. Plaintiff tripped on the scattered rocks/debris where she
7 was knocked off balance causing her to fall on the ground which proximately resulted in the
8 injuries and damages to Plaintiff Karen Volz.

9 19. "Defendant Kroger" and/or "Defendant Smith's", had a non-delegable duty to
10 supervise and maintain said "Premises" in a reasonably safe and suitable condition for its patrons,
11 guests and invitees; and further to take any and all reasonable precautions to avoid the presence
12 of dangerous and/or artificial conditions including but not limited to foreign substances and
13 debris on or around said "Premises", particularly on the ground and walkways and had a duty to
14 warn invitees on said "Premises," of the presence of said dangerous conditions, including
15 Plaintiff Karin Volz.

16 20. Upon information and belief, "Defendant Kroger" and/or "Defendant Smith's"
17 employed maintenance personnel, management, subcontractors, and other supervisory/security
18 personnel for the purpose of supervising employees, patrons, guests and invitees and maintaining
19 said property, in a reasonably safe and suitable condition all of which property is under said
20 "Defendant Kroger" and/or "Defendant Smith's" exclusive authority and control.

21 21. "Defendant Kroger" and/or "Defendant Smith's", despite having actual notice
22 and/or constructive notice that dangerous conditions existed on their "Premises", which said
23 Defendants had control and authority, failed to enact proper safeguards and maintenance, and
24 further failed to warn of said dangerous condition resulting in serious bodily injury to Plaintiff
25 Karin Volz, and did breach their duty of due care as described herein, which did proximately
26 result in the injuries and damages to Plaintiff has herein alleged.

1 22. In addition to their direct liability, "Defendant Kroger" and/or "Defendant
2 Smith's", and each of them, were and are vicariously liable for the acts and omissions of any
3 staff, agents, apparent agents, servants, contractors, employees or consultants, independent
4 contractors, or singular persons or entities, whether in house or outside, which in any manner
5 proximately caused or contributed to Plaintiff Karin Volz injuries and damages as herein alleged.

6 23. As a direct and proximate result of the disregard for Plaintiff's safety,
7 recklessness, carelessness and/or negligence of the "Defendant Kroger" and/or "Defendant
8 Smith's", Plaintiff Karin Volz suffered injuries to her body including breaking both bones in her
9 forearm which required plates and screws for realignment. Her face hit the ground with such
10 force that her teeth were permanently damaged and required corrective dental work. Plaintiff
11 Karin Volz also injured her ankle, knee, left wrist, face and suffered multiple bruises and
12 abrasions to her body and shock and damage to her nervous system and person, all of which said
13 injuries have caused, and continue to cause, Plaintiff Karin Volz great mental and physical pain
14 and suffering, resulting in some permanent disability to Plaintiff, all to Plaintiff Karin Volz's
15 general damages in an amount in excess of \$15,000.

16 24. That by reason of the "Premises" and as a further direct and proximate result of
17 the negligence of "Defendant Kroger" and/or "Defendant Smith's", Plaintiff Karin Volz was
18 required to and did seek medical attention and care, and did incur medical expenses, and Plaintiff
19 may be required to seek further medical care, and incur further medical expense in an amount at
20 the present time unascertained, and therefore asks leave to prove, and if required by the Court, to
21 amend this Complaint to show the reasonable value of such medical care at the time of the trial.

22 25. That it has been necessary for Plaintiff to retain the services of an attorney to
23 prosecute this action and is therefore entitled to reasonable attorney's fees herein.

24 //

25 //

26
27 IV.

SECOND CAUSE OF ACTION
(Res Ipsa Loquitur)

26. Plaintiff repeats and re-alleges each and every foregoing paragraphs 1 through 25 set forth above and incorporate the same by reference as though fully set forth at length herein.

27. The incident as herein alleged to have occurred on the "Defendant Kroger" and/or "Defendant Smith's" "Premises" resulting in Plaintiff Karin Volz's injuries as herein described is the kind of incident or event that would not occur in absence of someone's negligence; the foreign object on the ground of the "Premises" where Plaintiff Karin Volz tripped and fell and the incident and events described herein were in the exclusive control of "Defendant Kroger" and/or "Defendant Smith's", all of which said "Defendant Kroger" and/or "Defendant Smith's" had exclusive "right of control." This trip and fall incident as described herein was not due to any voluntary action or contribution on the part of Plaintiff Karin Volz who was not responsible for the cause of her injuries or damages.

28. That it has been necessary for Plaintiff to retain the services of an attorney to prosecute this action and is therefore entitled to reasonable attorney's fees herein.

V.
THIRD CAUSE OF ACTION
(Negligent Hiring; Supervision and Failure to Warn)

29. Plaintiff repeats and re-alleges each and every foregoing paragraph 1 through 28 set forth above and incorporate the same by reference as though fully set forth at length herein.

30. While on said "Premises", "Defendant Kroger" and/or "Defendant Smith's" had a duty to supervise and maintain their "Premises" and/or perform improvements, and /or maintain the area of the parking lot of the "Premises" in a reasonably safe and suitable condition for their patrons, guests and invitees; and further to take any and all reasonable precautions to avoid the presence of dangerous and/or artificial conditions inside and outside of said "Defendant Kroger" and/or "Defendant Smith's" "Premises" as described herein.

1 31. Upon information and belief, "Defendant Kroger" and/or "Defendant Smith's"
2 employed janitorial and/or maintenance personnel, as well as management and other
3 supervisory personnel for the purpose of supervising and training employees, and other
4 personnel to keep and maintain property in a reasonably safe and suitable condition and
5 "Defendant Kroger" and/or "Defendant Smith's" failure in this responsibility did breach that
6 duty of care which proximately resulted in the injuries and damages alleged therein.

7 32. Said "Defendant Kroger" and/or "Defendant Smith's" failure to warn of a
8 known dangerous condition, or to discover through exercise of reasonable diligence under the
9 circumstances that which could have been discovered, and further failure to hire and adequately
10 train and supervise suitable and fit employees and/or agents to regularly maintain said property
11 in a safe and suitable manner had directly and proximately resulted in Plaintiff Karin Volz's
12 damages in an amount in excess of \$15,000.

13 33. In addition to their direct liability, "Defendant Kroger" and/or "Defendant
14 Smith's", and each of them, were and are vicariously liable for the acts and omissions of any
15 staff, agents, apparent agents, servants, contractors, employees or consultants, independent
16 contractors, or singular persons or entities, whether in house or outside, which in any manner
17 caused or contributed to Plaintiff Karin Volz's injuries and damages as herein alleged.

18 34. As a direct and proximate result of the, carelessness and/or negligence of the
19 "Defendant Kroger" and/or "Defendant Smith's", Plaintiff Karin Volz suffered injuries to her
20 body and shock and damage to her nervous system and person, all of which said injuries have
21 caused, and continue to cause, Plaintiff great mental and physical pain and suffering, resulting in
22 some permanent disability to Plaintiff Karin Volz, all to Plaintiff's general damages in an amount
23 in excess of \$15,000.

24 35. That by reason of the premises and as a further direct and proximate result of the
25 negligence of "Defendant Kroger" and/or "Defendant Smith's", the Plaintiff Karin Volz was
26 required to and did seek medical attention and care, and did incur medical expenses, and Plaintiff
27

1 may be required to seek further medical care, and incur further medical expense in an amount at
 2 the present time unascertained, and therefore asks leave to prove, and if required by the Court, to
 3 amend this Complaint to show the reasonable value of such medical care at the time of the trial.

4 36. That it has been necessary for Plaintiff to retain the services of an attorney to
 5 prosecute this action and is therefore entitled to reasonable attorney's fees herein.

6 PRAYER FOR RELIEF

7 WHEREFORE,

8 Plaintiff prays for judgment against the above-named Defendants, and each of them, jointly and
 9 severally, as follows:

10 A. As for the First Cause of Action, Plaintiff complains of the Defendants, and each of
 11 them that:

- 12 1. General Damages in an amount in excess of \$15,000;
- 13 2. Special Damages of costs of past and future medical care and treatment and
 14 costs incidental thereto, in an amount in excess of \$15,000;
- 15 3. Reasonable attorney's fees and costs of suit incurred herein;
- 16 4. For such other and further relief as the Court may deem just and proper.

17 B. As for the Second Cause of Action, Plaintiff complains of the Defendants, and each of
 18 them that:

- 19 1. General Damages in an amount in excess of \$15,000;
- 20 2. Special Damages of costs of past and future medical care and treatment and
 21 costs incidental thereto, in an amount in excess of \$15,000;
- 22 3. Reasonable attorney's fees and costs of suit incurred herein;
- 23 4. For such other and further relief as the Court may deem just and proper.

24 C. As for the Third Cause of Action, Plaintiff complains of the Defendants, and each of
 25 them that:

- 26 1. General Damages in an amount in excess of \$15,000;
- 27
- 28

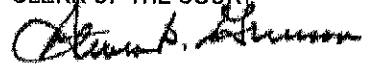
2. Special Damages of costs of past and future medical care and treatment and costs incidental thereto, in an amount in excess of \$15,000;
3. Reasonable attorney's fees and costs of suit incurred herein;
4. For such other and further relief as the Court may deem just and proper.

DATED

this 31st Day of July, 2020

Eller Law, LLC
/s/Nicole Bolick, Esq.
Nevada Bar No.15015
104 S. Jones Blvd.
Las Vegas, NV 89107
(702) 685-6655 Phone
(702) 685-5553 Fax
Nicole@crystalforthepeople.com
Attorney for Plaintiff

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CLERK OF THE COURT



AOS

**DISTRICT COURT , CLARK COUNTY
CLARK COUNTY, NEVADA**

KARIN VOLZ

Plaintiff

CASE NO: A20818888C

VS

HEARING DATE/TIME:

**THE KROGER CO., AND SMITH'S FOOD
AND DRUG CENTERS, INC.**

Defendant

DEPT NO: 28

AFFIDAVIT OF SERVICE

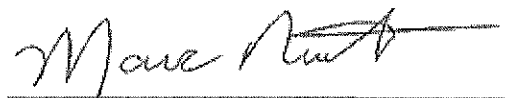
MARC NEVILLE being duly sworn says: That at all times herein affiant was and is a citizen of the United States, over 18 years of age, not a party to or interested in the proceedings in which this affidavit is made. That affiant received 1 copy(ies) of the SUMMONS, COMPLAINT, on the 4th day of August, 2020 and served the same on the 7th day of August, 2020, at 14:05 by:

serving the servee THE SMITHS FOOD AND DRUG CENTERS, INC C/O REGISTERED AGENT CORPORATION SERVICE COMPANY by personally delivering and leaving a copy at (address) 112 NORTH CURRY STREET, CARSON CITY NV 89703 with KRIS OSBORNE, CLERK pursuant to NRS 14,020 as a person of suitable age and discretion at the above address, which address is the address of the resident agent as shown on the current certificate of designation filed with the Secretary of State.

Pursuant to NRS 53.045

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

EXECUTED this 07 day of Aug, 2020.



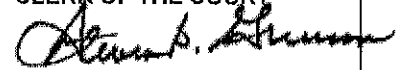
**MARC NEVILLE
R-918**

Junes Legal Service, Inc. - 630 South 10th Street - Suite B - Las Vegas NV 89101 - 702.579.6300 - fax 702.259.6249 - Process License #1068

EP163676 A20818888C

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DMSC
JERRY S. BUSBY
Nevada Bar #001107
GREGORY A. KRAEMER
Nevada Bar #010911
COOPER LEVENSON, P.A.
3016 West Charleston Boulevard – #195
Las Vegas, NV 89102
(702) 366-1125
FAX: (702) 366-1857
jbusby@cooperlevenson.com
gkraemer@cooperlevenson.com
Attorneys for Defendant
SMITH'S FOOD & DRUG CENTERS, INC.

THE EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

Karin Volz, an individual

Plaintiff,

vs.

THE KROGER CO., a Foreign Corporation
dba SMITH'S #385; SMITH'S FOOD &
DRUG CENTERS, INC., a Foreign
Corporation dba SMITH'S #385 DOES I
through X, inclusive, and Roe Corporations XI
through XX, inclusive

Defendants.

Case No.: A-20-818888-C

Dept. No.: XXVIII

DEMAND FOR SECURITY OF COSTS

TO: KARIN VOLZ, Plaintiff; and

TO: CRYSTAL ELLER, ESQ., of ELLER LAW, LLC, Attorneys for Plaintiff;

PLEASE TAKE NOTICE that Defendant SMITH'S FOOD & DRUG CENTERS, INC.,
hereby demands and requires security from KARIN VOLZ, Plaintiff in the above captioned

///

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///

1 matter, who is a non-resident of this State, for the said Defendant's costs and charges in this action
2 which may be awarded herein against the Plaintiff.

3 Dated this 27th day of August, 2020.

4 COOPER LEVENSON, P.A.

5
6 By /s/ Jerry S. Busby

Jerry S. Busby

7 Nevada Bar No. 001107

8 Gregory A. Kraemer

Nevada Bar No. 010911

9 3016 West Charleston Boulevard – #195

Las Vegas, NV 89102

Attorneys for Defendant

10 SMITH'S FOOD & DRUG CENTERS, INC.

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of COOPER LEVENSON, P.A. and that on this 27th day of August, 2020, I did cause a true copy of the foregoing **DEMAND FOR SECURITY OF COSTS** to be served upon each of the parties listed below via electronic service through the Eighth Judicial District Court's Odyssey E-File and Serve System:

Crystal Eller, Esq.
ELLER LAW, LLC
104 South Jones Boulevard
Las Vegas, NV 89107
Attorneys for Plaintiff

By /s/ Theresa H. Rutkowski
An Employee of
COOPER LEVENSON, P.A.

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Steven D. Grierson
CLERK OF THE COURT



1 NPNR
2 Eller Law, LLC
3 Crystal Eller, Esq.
4 Nevada Bar No.4978
5 104 S. Jones Blvd.
6 Las Vegas, NV 89107
7 (702) 685-6655 Phone
8 (702) 685-5553 Fax
9 Crystal@crystalforthepeople.com

10 Attorney for Plaintiff

11 **EIGHTH JUDICIAL DISTRICT COURT FOR**
12 **CLARK COUNTY, NEVADA**

13 Karin Volz, an individual

14 Plaintiffs,

15 vs.

16 THE KROGER CO., a Foreign Corporation
17 dba SMITHS #385; SMITH'S FOOD &
18 DRUG CENTERS, INC., a Foreign
19 Corporation dba SMITH'S #385, DOES I
20 through X, inclusive, and ROE Corporations
21 XI through XX, inclusive

22 Defendants.

CASE NO; A-20-818888-C

DEPT NO; 28

NOTICE OF POSTING COST BOND

23 To the Defendants named above:

24 Notice is hereby given Pursuant to NRS 18.130 that on September 15, 2020, the Plaintiff,
25 Karin Volz, deposited Five Hundred Dollars (\$500) as surety for the above-entitled cause with the
26 District Court Clerk of Court. (See "Exhibit 1").

27 ///

28 ///

///

///

1 The Defendants, and each of them, will have 10 days or the period allowed under NRC
2 12(a), whichever is longer, in which to answer or otherwise plead to the complaint. If you fail to
3 respond, within that time the Plaintiff can request your default.
4

5
6 DATED:
7 This 15th day of September 2020
8

9 _____ Eller Law, LLC

10 /s/ Crystal Eller
11 Crystal Eller, Esq.
12 Nevada Bar No.4978
13 104 S. Jones Blvd.
14 Las Vegas, NV 89107
15 (702) 685-6655 Phone
16 (702) 685-5553 Fax
17 Crystal@crystalforthepeople.com
18 Attorney for Plaintiff
19
20
21
22
23
24
25
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Exhibit 1

OFFICIAL RECEIPT**District Court Clerk of the Court 200 Lewis Ave, 3rd Floor Las Vegas, NV 89101**Payor
Eller Law LLCReceipt No.
2020-51290-CCCLKTransaction Date
09/15/2020

Description	Amount Paid
On Behalf Of Volz, Karin A-20-818888-C Karin Volz, Plaintiff(s) vs. The Kroger Co., Defendant(s) Security Cost Bond	
Security Cost Bond	500.00
SUBTOTAL	500.00
PAYMENT TOTAL	500.00
Check (Ref #1244) Tendered Total Tendered Change	500.00 500.00 0.00
09/15/2020 08:56 AM	Cashier Station RJCC6
	Audit 37636269

OFFICIAL RECEIPT

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Steven D. Grierson
CLERK OF THE COURT



1 ANSC
2 JERRY S. BUSBY
3 Nevada Bar #001107
4 GREGORY A. KRAEMER
5 Nevada Bar #010911
6 COOPER LEVENSON, P.A.
7 3016 West Charleston Boulevard – #195
8 Las Vegas, NV 89102
9 (702) 366-1125
10 FAX: (702) 366-1857
11 jbushby@cooperlevenson.com
12 gkraemer@cooperlevenson.com
13 Attorneys for Defendant
14 SMITH'S FOOD & DRUG CENTERS, INC.

THE EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

11 Karin Volz, an individual
12 Plaintiff,

13 vs.

14 THE KROGER CO., a Foreign Corporation
15 dba SMITH'S #385; SMITH'S FOOD &
16 DRUG CENTERS, INC., a Foreign
17 Corporation dba SMITH'S #385 DOES I
18 through X, inclusive, and Roe Corporations XI
19 through XX, inclusive

20 Defendants.

Case No.: A-20-818888-C
Dept. No.: XXVIII

**DEFENDANT SMITH'S FOOD & DRUG
CENTERS, INC.'S ANSWER TO
PLAINTIFF'S COMPLAINT**

19 COMES NOW, Defendant, SMITH'S FOOD & DRUG CENTERS, INC., by and through its
20 attorney of record, JERRY S. BUSBY, ESQ., of the law firm COOPER LEVENSON, P.A., and hereby
21 answers Plaintiff's Complaint on file herein as follows:

22 I.

23 This answering Defendant states that it does not have sufficient knowledge or information
24 upon which to base a belief as to the truth of the allegations contained in Paragraphs 1, 5, 6 and 7 of
25 Plaintiff's Complaint and upon said ground, denies each and every allegation contained therein.

26 II.

27 This answering Defendant denies each and every allegation contained in Paragraph 2 of
28 Plaintiff's Complaint.

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III.

In response to Paragraph 3 of Plaintiff's Complaint, this answering Defendant admits that it was a foreign Corporation conducting Business in Clark County, Nevada as Smith's and was duly authorized to conduct business in the State of Nevada and was conducting business in Clark County, Nevada. This answering Defendant denies any remaining allegations contained in said Paragraph.

IV.

In response to Paragraph 4 of Plaintiff's Complaint, this answering Defendant admits that it owned, operated, controlled, and/or maintained the Smith's #385 located at 2211 N Rampart Blvd, Las Vegas, NV 89128 for the purpose of carrying on a business for profit. This answering Defendant denies any remaining allegations contained in said Paragraph.

V.

Paragraph 8 of Plaintiff's Complaint states a legal conclusion which is the sole province of the Court to determine. This answering Defendant therefore denies said Paragraph.

VI.

This answering Defendant states that it does not have sufficient knowledge or information upon which to base a belief as to the truth of the allegations contained in Paragraphs 9 and 10 of that portion of Plaintiff's Complaint entitled "**RELEVANT FACTS TO ALL CAUSES OF ACTION**".

VII.

This answering Defendant denies each and every allegation contained in Paragraphs 11, 12, 13 and 14 of that portion of Plaintiff's Complaint entitled "**RELEVANT FACTS TO ALL CAUSES OF ACTION**".

VIII.

This answering Defendant, in response to Paragraph 15 of that portion of Plaintiff's Complaint entitled "**FIRST CAUSE OF ACTION (NEGLIGENCE)**" incorporates herein by reference each and every answer previously alleged to the Paragraphs which the Plaintiff has realleged by incorporation.

///

IX.

This answering Defendant denies each and every allegation contained in Paragraphs 16, 17, 20, 21, 23, 24 and 25 of that portion of Plaintiff's Complaint entitled "FIRST CAUSE OF ACTION (NEGLIGENCE)".

X.

This answering Defendant states that it does not have sufficient knowledge or information upon which to base a belief as to the truth of the allegations contained in Paragraph 18 of that portion of Plaintiff's Complaint entitled "FIRST CAUSE OF ACTION (NEGLIGENCE)" and upon said ground, denies each and every allegation contained therein.

XI.

Paragraphs 19 and 22 of that portion of Plaintiff's Complaint entitled "FIRST CAUSE OF ACTION (NEGLIGENCE)" state a legal conclusion which is the sole province of the Court to determine. This answering Defendant therefore denies said Paragraphs.

XII.

This answering Defendant, in response to Paragraph 26 of that portion of Plaintiff's Complaint entitled "SECOND CAUSE OF ACTION (Res Ipsa Loquitur)" incorporates herein by reference each and every answer previously alleged to the Paragraphs which the Plaintiff has realleged by incorporation.

XIII.

Paragraph 27 of that portion of Plaintiff's Complaint entitled "SECOND CAUSE OF ACTION (Res Ipsa Loquitur)" states a legal conclusion which is the sole province of the Court to determine. This answering Defendant therefore denies said Paragraph.

XIV.

This answering Defendant denies each and every allegation contained in Paragraph 28 of that portion of Plaintiff's Complaint entitled "SECOND CAUSE OF ACTION (Res Ipsa Loquitur)".

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XV.

This answering Defendant, in response to Paragraph 29 of that portion of Plaintiff's Complaint entitled "THIRD CAUSE OF ACTION (Negligent Hiring; Supervision and Failure to Warn)" incorporates herein by reference each and every answer previously alleged to the Paragraphs which the Plaintiff has realleged by incorporation.

XVI.

Paragraphs 30 and 33 of that portion of Plaintiff's Complaint entitled "THIRD CAUSE OF ACTION (Negligent Hiring; Supervision and Failure to Warn)" state a legal conclusion which is the sole province of the Court to determine. This answering Defendant therefore denies said Paragraphs.

XVII.

This answering Defendant denies each and every allegation contained in Paragraphs 31, 32, 34, 35 and 36 of that portion of Plaintiff's Complaint entitled "THIRD CAUSE OF ACTION (Negligent Hiring; Supervision and Failure to Warn)".

AFFIRMATIVE DEFENSESFIRST AFFIRMATIVE DEFENSE

Plaintiff did not use reasonable diligence to care for her injuries, thereby aggravating said injuries as a result. Therefore, Plaintiff's claims against this answering Defendant should be denied, or any recovery reduced in proportion to said negligence of Plaintiff.

SECOND AFFIRMATIVE DEFENSE

At the time and place alleged in Plaintiff's Complaint, and for a period of time prior thereto, Plaintiff did not exercise ordinary care, caution, or prudence for the protection of her own safety, and injuries and damages complained of by Plaintiff in the Complaint, if any, were directly and proximately caused or contributed to by the fault, failure to act, carelessness, and negligence of Plaintiff, and therefore Plaintiff's claims against this answering Defendant should be denied, or any recovery reduced in proportion to said negligence of Plaintiff.

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1 WHEREFORE, this answering Defendant prays that Plaintiff take nothing by virtue of her
2 Complaint on file herein; for costs and disbursements incurred in this action; and for such other and
3 further relief as to the Court may deem proper.

4 Dated this 24th day of September, 2020.

5 COOPER LEVENSON, P.A.

6
7 By /s/ Jerry S. Busby

8 Jerry S. Busby

9 Nevada Bar No. 001107

10 Gregory A. Kraemer

11 Nevada Bar No. 010911

12 3016 West Charleston Boulevard – #195

13 Las Vegas, NV 89102

14 Attorneys for Defendant

15 SMITH'S FOOD & DRUG CENTERS, INC.
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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of COOPER LEVENSON, P.A.
and that on this 24th day of September, 2020, I did cause a true copy of the foregoing

**DEFENDANT SMITH'S FOOD & DRUG CENTERS, INC.'S ANSWER TO PLAINTIFF'S
COMPLAINT** to be served upon each of the parties listed below via electronic service through the
Eighth Judicial District Court's Odyssey E-File and Serve System:

Crystal Eller, Esq.
ELLER LAW, LLC
104 South Jones Boulevard
Las Vegas, NV 89107
Attorneys for Plaintiff

By /s/ Theresa H. Rutkowski
An Employee of
COOPER LEVENSON, P.A.

Electronically Filed
10/7/2020 6:06 PM
Steven D. Grierson
CLERK OF THE COURT



ABREA
Eller Law, LLC
Crystal Eller, Esq.
Nevada Bar No.4978
Nicole Bolick, Esq.
Nevada Bar No.15015
104 S. Jones Blvd.
Las Vegas, NV 89107
(702) 685-6655 Phone
(702) 685-5553 Fax
Crystal@crystalforthepeople.com
Attorney for Plaintiff

**EIGHTH JUDICIAL DISTRICT COURT FOR
CLARK COUNTY, NEVADA**

Karin Volz, an individual

Plaintiffs,

vs.

CASE NO; A-20-818888-C

DEPT NO; 28

THE KROGER CO., a Foreign Corporation
dba SMITHS #385; SMITH'S FOOD &
DRUG CENTERS, INC., a Foreign
Corporation dba SMITH'S #385, DOES I
through X, inclusive, and ROE Corporations
XI through XX, inclusive

**REQUEST FOR EXEMPTION FROM
ARBITRATION**

Defendants.

Karin Volz, by and through her counsel Crystal Eller of Eller Law, LLC hereby requests the above entitled matter be exempted from The Court Annexed Arbitration Program pursuant to Nevada Arbitration Rules 3 and 5, as this case involves an amount in excess of \$50,000 per Plaintiff, exclusive of interest and costs. A complaint in the instant matter was filed on July 31, 2020. The first answer was filed by Jerry Busby, attorney for Defendant Smith's Food and Drug on September 24,2020.

1. Karin Volz ("Plaintiff" or "Karin") is a 75 year old woman who was a victim of negligence at Smith's Food and Drug #385. After shopping Karen walked to her car through the

1 Smith's parking lot and tripped and fell to the ground over large debris/ rocks that were scattered
2 in the parking lot where customers routinely walk.

3 2. That as a direct and proximate result of the Defendants actions and/or failure to act
4 the Defendants, and each of them, are jointly and severally liable for the damages and injuries to
5 the Plaintiff.

6 3. As a direct and proximate result of the actions and/or failure to act of the
7 Defendants, Plaintiff Karen Volz suffered injuries including two broken bones in her forearm. Her
8 face hit the ground with such force that her teeth were damaged requiring corrective dental work.
9 Karin also injured her ankle, knee, left wrist, face and suffered multiple bruises and abrasions to
10 her body. She has undergone painful surgery that inserted permanent plates and screws in her left
11 arm in an attempt to realign her broken bones. She endured painful dental work and extensive
12 rehabilitation to her arm, wrist and fingers so that she can regain some normal function but has
13 some permanent loss of function to her arm and fingers. As a result of the fall at Smith's Mrs.
14 Volz has permanent damage to her arm, wrist, fingers and teeth. Plaintiff has incurred medical
15 bills for the treatment and surgery of this injury in an amount exceeding \$50,000 and medical
16 specials in this case currently total approximately \$100,000. (See Exhibit 1).

17 3. The following medical bills are provided in support of this request for Exemption
18 from Arbitration: (Exhibit 2):

Summerlin Hospital	\$20,564.00
Sierra View Hospital	\$36,371.00
Mercy Inc. Ambulance Service	\$1,197.00

26 ///

27 ///

1 I hereby certify pursuant to N.R.C.P. 11 this case is included within the exemption(s)
2 above and am aware of the sanctions which may be imposed against any attorney or party who
3 without good cause or justification attempts to remove a case from the arbitration program.

4 I further certify pursuant to NRS Chapter 239B and NRS 603A.040 that this document and
5 any attachments thereto do not contain personal information including, without limitation, home
6 address/phone number, social security number, driver's license number or identification card
7 number, account number, PIN numbers, credit card number or debit card number, in combination
8 with any required security code, access code or password that would permit access to the person's
9 financial account.
10

11 DATED this 7th day of October, 2020.

12 Eller Law, LLC
13 /s/ Nicole Bolick
14 Nicole Bolick, Esq.
15 Nevada Bar No.15015
16 104 S. Jones Blvd.
17 Las Vegas, NV 89107
18 (702) 685-6655 Phone
19 nicole@crystalforthepeople.com
20 Attorney for Plaintiff
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CERTIFICATE OF SERVICE

Pursuant to NRCP 5, NEFCR 9, and EDCR 8.05, I hereby certify that I am an employee of
ELLER LAW, LLC and on the 7th day of October 2020 an electronic copy of the foregoing
REQUEST FOR EXEMPTION FROM ARBITRATION was served on the following by
Electronic Service, and serving all parties with an email address on record, who have agreed to
receive Electronic Service in this action.

Jerry S. Busby, Esq
Cooper Levenson, P.A.
1835 Village Center Circle
Las Vegas, NV 89134
Attorney for Kroger Co.

DATED this 7th day of October 2020.

By: /s/Nicole C. Bolick
An Employee of Eller Law, LLC

Exhibit 1

	A	B	C	D	E	F
1	DESCRIPTION	DATE OF SERVICE	TOTAL CHARGES		KARIN VOLZ Out of Pocket Expense	
2	MERCY INC - AMBULANCE SERVICE	9/13/2018	\$1,197.00			
3	SUMMERLIN HOSPITAL, L.V., NV - ER	9/13/2018	\$20,564.00			
4	SHELIN AGRAWAL+HYER, CT SCAN HEAD	9/13/2018	\$409.00			*Bill Requested
5	WALGREEN'S - PRE-OP PRESC.	9/4/2018			\$4.00	
6	STEVEN J. PORTER, MD	9/18/2018	\$218.00			
7	SIERRA VIEW HOSP., PORTERVILLE, CA - OPERATION BY DR. STEVEN PORTER	9/18/2018	\$36,371.00			
8	BINDUSAGAR REDDY	9/18/2018	\$15.00			
9	TW MACLENNAN MD - CHEST+HAND X-RAYS	9-18 / 9-19-18	\$88.00			*Bill Requested

	A	B	C	D	E	F
1	DESCRIPTION	DATE OF SERVICE	TOTAL CHARGES		KARIN VOLZ Out of Pocket Expense	
10	COMFORT ANESTHESIA	9/19/2018	\$713.00			
	DR. PORTER, STEVEN - OP- TREATMENT, INSERT HARDWARE	9/19/2018	\$2,104.00			
11	MEDEQUIP, INC.	10/4/2018	\$70.00			*Bill Requested
12	CVS, PRESC. HYDRODODONE	9/18/2018			\$28	
13	Reimbursement Paymt to Neighbors f Picking me up in LV and get me back to CA	Sept. 2018			\$1,000	
14						
15	Dr Richard heardt DDS	10/31/2018	\$350.00			
16	Dr Richard heardt DDS	10/31/2018	\$68.00			
17	Dr Richard heardt DDS	10/31/2018	\$146.00			
18	PRECISION REHAB & ORTHO, (PRO- PT) DR. B. LARSON	11/8/2018	\$153.00			
19	PRO-PT, DR. B. LARSON	11/12/2018	\$182.00			
20	PRO-PT, DR. B. LARSON	11/14/2018	\$182.00			
21	PRO-PT, DR. B. LARSON	11/15/2018	\$213.00			

KARIN H. VOLZ

ESTIMATE OF MEDICAL EXPENSES

 ELLER LAW, LLC
 104 S JONES BLVD.
 LAS VEGAS, NV 89104

	A	B	C	D	E	F
	DESCRIPTION	DATE OF SERVICE	TOTAL CHARGES	KARIN VOLZ of Pocket Expense		
1	DESCRIPTION	DATE OF SERVICE	TOTAL CHARGES	KARIN VOLZ of Pocket Expense		
22	PRO-PT, DR. B. LARSON	11/19/2018	\$213.00			
23	PRO-PT, DR. B. LARSON	11/21/2018	\$213.00			
24	STEVEN J. PORTER, MD	11/21/2018	\$82.00			
25	PRO-PT, DR. B. LARSON	12/4/2018	\$182.00			
26	PRO-PT, DR. B. LARSON	12/6/2018	\$213.00			
27	PRO-PT, DR. B. LARSON	12/12/2018	\$182.00			
28	PRO-PT, DR. B. LARSON	12/10/2018	\$213.00			
29	PRO-PT, DR. B. LARSON	12/14/2018	\$213.00			
30	PRO-PT, DR. B. LARSON	12/17/2018	\$213.00			
31	PRO-PT, DR. B. LARSON	12/20/2018	\$182.00			
32	- STEVE PORTER	12/20/2018	\$147.00			
33	- STEVE PORTER	1/17/2019	\$130.49			
34	- PRO-PT, DR. B. LARSON 12/20/2018	01/15/2019	\$213.00			
35		1/18/2019	\$182.00			
36		1/21/2019	\$182.00			
37		1/25/2019	\$182.00			
38	- MEDEQUIP, INC.		\$70.00			
39	- PRO-PT, DR. B. LARSON	1/31/2019	\$182.00			
40		2/5/2019	\$182.00			
41		2/7/2019	\$213.00			
42		2/12/2019	\$182.00		\$596	
43	- DR. STEVEN PORTER	2/14/2019	\$147.00			

KARIN H. VOLZ

ESTIMATE OF MEDICAL EXPENSES

ELLER LAW, LLC
104 S JONES BLVD.
LAS VEGAS, NV 89104

	A	B	C	D	E	F
1	DESCRIPTION	DATE OF SERVICE	TOTAL CHARGES		KARIN VOLZ Out of Pocket Expense	
	DDS RICHARD HARDT (TRAUMA/CONT-PERIODIC PAIN TEETH/LEFT SIDE)	3/1/2019				
44						
45	Richard Hardt DDS	2/20/2019	\$258.00			
46		2/21/2019	\$265.00			
47		2/22/2019	\$223.00			
48	- PRO PT, DR. B. LARSON	2/19/2019	\$182.00			
49		2/21/2019	\$213.00			
50		2/26/2019	\$182.00			
51		3/7/2019	\$182.00			
52		3/12/2019	\$182.00			
53		3/14/2019	\$182.00			
54		3/19/2019	\$182.00			
55		3/21/2019	\$182.00			
56		3/26/2019	\$182.00			
57		3/28/2019	\$182.00			
58		4/11/2019	\$182.00			
59		4/16/2019	\$182.00			
60	- PRO-PT, DR. B. LARSON	2/25/2020	\$182.00			
61		2/7/2019	\$213.00			
62						
63						
64		2/12/2019	\$182.00			
65	- PRO PT, DR. B. LARSON					
66		4/24/2019	\$182.00			

	A	B	C	D	E	F
1	DESCRIPTION	DATE OF SERVICE	TOTAL CHARGES		KARIN VOLZ Out of Pocket Expense	
67		4/30/2019	\$182.00			
68		5/2/2019	\$182.00			
69	DYNASPLINT SYST	5/30/2019	\$395.00			
70	DYNASPLINT SYST	6/30/2019	\$395.00			
71						
72	- DURA MEDIC LLC	9/13/2018	\$265.00			
73	- DYNASPLINT	5/30/2019	\$395.00			
74		5/30/2019	\$145.48			
75		7/30/2019	\$395.00			
76						
77	- PRO PT, DR. B. LARSON	5/6/2019	\$182.00			
78	- DR. STEVEN PORTER	5/23/2019	\$147.00			
79	- DR. STEVEN PORTER	7/31/2019	\$131.23			
80	- DYNASPLINT	8/30/2019	\$395.00			
81	CVS - ORAJELS	10/27/2019				
82						
83	- DYNASPLINT	10/30/2019	\$395.00		\$20	
84	HAMMACHER (WRIST SUPPORT)	12/12/2019				
85	HAMMACHER (LEFT KNEE SUPPORT)	10/7/2019				
86					\$173	
87	Adding - 2 CC Charges from 2019 for 2nd Dynasplint Unit				\$240	
88						

KARIN H. VOLZ

ESTIMATE OF MEDICAL EXPENSES

ELLER LAW, LLC
104 S JONES BLVD.
LAS VEGAS, NV 89104

	A	B	C	D	E	F
	DESCRIPTION	DATE OF SERVICE	TOTAL CHARGES	KARIN VOLZ of Pocket Expense	Out	
1						
89	SAFE STEP WALK-IN TUB / MEDICAL SPA (Down-Pmt w Contract Signing)	12/3/2019	\$1,000.00		\$360	
90	SAFE STEP WALK-IN TUB / MEDICAL SPA (ProgressPmt; \$10000 to be Financed)	12/12/2019	\$6,000.00			
	Greensky = Finance Co. f Safe Step Med Spa; Financing \$10,000, 8.04%, 15 yrs	12/3/2019	\$17,355.00			
92	KV TOTALS :		\$98,641.20			
93						
94						
95					\$2,421.00	

Exhibit 2

Summerlin Hospital Emergency Room

HCI # 28 I	SUMMERLIN HOSP MED CTR	PAGE NO. 1
TYPE OF BILL	DATE OF BILL	DATE OF PREV. BILL
CYCLE	09/19/18	
INS.	657 TOWN CENTER LAS VEGAS, NV 866 823-4250 FBI # 232939047	89144-0023 BIRTH-DATE HOSP. NO.

M T	PATIENT NAME	PATIENT NUMBER	SEX	AGE	ADMISSION DATE	DISCHARGE DATE	DAYS	OUT PATIENT
	VOLZ, KARIN HEIDI	15500747	F	75	09/13/18			

GUARANTOR NAME AND ADDRESS	KARIN HEIDI VOLZ XXXXXXXXXXXXXXXXXXXX XXXXXXXXXXXXXXXXXXXX	INSURANCE COMPANY NAME	GROUP NUMBER	POLICY NUMBER
		2 AARP		39937965312

AMOUNT OF PAYMENT	\$
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DATE OF SERVICE	DESCRIPTION OF HOSPITAL SERVICES	SERVICE CODE	TOTAL CHARGES	EST. COVERAGE INS.CO. NO. 1	EST. COVERAGE INS.CO. NO. 2	EST. COVERAGE INS.CO. NO. 3	EST. COVERAGE INS.CO. NO. 4	PATIENT AMOUNT
DETAIL OF CURRENT CHARGES, PAYMENTS AND ADJUSTMENTS								
09/13	53216750 001 73080		887.00					887.00
	XR ELBOW 3V LT							
09/13	53217253 001 73110		1008.00					1008.00
	XR WRIST MIN 3V LT							
09/13	53219804 001 73610		1169.00					1169.00
	XR ANKLE MIN 3V RT							
09/13	53223400 001 73564		1500.00					1500.00
	XR KNEE MIN 4V BIL							
09/13	43013101 001 29125		513.00					513.00
	3MSPLINT APP SHORT ARM-STATIC							
09/13	43022557 001 99285		3301.00					3301.00
	3MLEVEL 5 ED W/ PROCEDURES							
09/13	43034958 001							
	ER STATISTICAL CHARGE							
09/13	43035047 001 96374		329.00					329.00
	3MIV PUSH INITIAL DRUG							
09/13	43035054 001 96375		329.00					329.00
	3MIV PUSH ADDL NEW DRUG							
09/13	53401709 001 70450		5193.00					5193.00
	CT BRAIN W/O CON							
09/13	53402301 001 70486		5156.00					5156.00
	CT MAXILLO W/O CON							
09/13	54335211 001 J3010		172.00					172.00
	FENTANYL CITRATE PER 0.1MG							
09/13	54336789 001 J2405		1007.00					1007.00
	ONDANSETRON PER 1MG							
SUMMARY OF CURRENT CHARGES								
	PHARMACY		1179.00					1179.00
	RADIOLOGY		4564.00					4564.00
	EMERGENCY ROOM		4472.00					4472.00
	CT SCAN		10349.00					10349.00

PATIENT NUMBER	PLEASE REFER TO PATIENT NUMBER ON ALL INQUIRIES AND CORRESPONDENCE.	ADDITIONAL PATIENT BILLING MAY BE NECESSARY FOR ANY CHARGES NOT POSTED WHEN THIS STATEMENT WAS PREPARED. OR IF INSURANCE CARRIERS DO NOT PAY ANY PART OF THE AMOUNTS SHOWN UNDER ESTIMATED INSURANCE COVERAGE.
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HCL # 28			SUMMERLIN HOSP MED CTR			PAGE NO. 2	
TYPE OF BILL			DATE OF BILL			DATE OF PREV. BILL	
CYCLE 09/19/18			657 TOWN CENTER			89144-0023	
INS.			LAS VEGAS, NV			BIRTH DATE	
			866 823-4250			HOSP. NO.	
			FBI # 232939047				

M	T	PATIENT NAME	PATIENT NUMBER	SEX	AGE	ADMISSION DATE	DISCHARGE DATE	DAYS	OUT PATIENT
		VOLZ, KARIN HEIDI	15500747	F	75	09/13/18			

GUAR. PH: XXXXXXXXXXXXXXXX

GUARANTOR NAME AND ADDRESS	KARIN HEIDI VOLZ XXXXXXXXXXXXXXXXXXXX XXXXXXXXXXXXXXXXXXXX	C.O.B.	2	INSURANCE COMPANY NAME	GROUP NUMBER	POLICY NUMBER
				AARP		39937965312

AMOUNT OF PAYMENT	\$
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DATE OF SERVICE	DESCRIPTION OF HOSPITAL SERVICES	SERVICE CODE	TOTAL CHARGES	EST. COVERAGE INS.CO. NO. 1	EST. COVERAGE INS.CO. NO. 2	EST. COVERAGE INS.CO. NO. 3	EST. COVERAGE INS.CO. NO. 4	PATIENT AMOUNT
-----------------	----------------------------------	--------------	---------------	-----------------------------	-----------------------------	-----------------------------	-----------------------------	----------------

SUB-TOTAL OF CURR. CHARGES	20564.00							20564.00
----------------------------	----------	--	--	--	--	--	--	----------

EMPLOYER INFORMATION:
RETIRED

GUAR RELATIONSHIP: S SEX: F GUAR NO: 556787005
 ACC DATE: 09/13/18 TYPE: E TIME: 4:30 PM PLACE: EMPL REL:
 DIAGNOSIS: S52.502A UNSP FRACTURE OF THE LOWER END OF LEFT RADIUS
 M25.532 PAIN IN LEFT WRIST

AMOUNTS DUE HEREUNDER HAVE BEEN ASSIGNED TO
 SUMMERLIN HOSPITAL RECEIVABLES, L.L.C.

TOTALS	20564.00						20564.00
--------	----------	--	--	--	--	--	----------

PATIENT NUMBER	15500747	PLEASE REFER TO PATIENT NUMBER ON ALL INQUIRIES AND CORRESPONDENCE.	ADDITIONAL PATIENT BILLING MAY BE NECESSARY FOR ANY CHARGES NOT POSTED WHEN THIS STATEMENT WAS PREPARED, OR IF INSURANCE CARRIERS DO NOT PAY ANY PART OF THE AMOUNTS SHOWN UNDER ESTIMATED INSURANCE COVERAGE.
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SUMMERLIN HOSP MED CTR
 LAS VEGAS, NV

Sierra View Hospital

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Page 1 of 1



SIERRA VIEW MEDICAL CENTER

Responsible Party:

VOLZ, KARIN

XXXXXXXXXXXX

XXXXXXXXXXXXXXXXXXXX



Name: VOLZ, KARIN

Service Date: 08/15/19

Account Number: SV0048296750

Bill Date: 04/03/20

Insurance Coverage	Insurance Policy Number	Insurance Group Number
MEDICARE	5VQ5XR3UJ50	
AARP HEALTHCARE OPTIONS	39937965312	PLAN N

Service Date	Code	Description	Quantity	Amount
08/15/19	34001376	030x Laboratory		
		COMP METABOLIC PNL	1	210.30
08/15/19	34003499	LIPID PANEL	1	119.90
08/15/19	34005391	VENIPUNCTURE ROUTINE	1	16.50
				346.70

Total Charges	346.70
Total Due:	346.70

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Page 1 of 2



SIERRA VIEW MEDICAL CENTER

Responsible Party:

VOLZ, KARIN

XXXXXXXXXXXXXX

XXXXXXXXXXXXXXXXXXXXXX



Name: VOLZ, KARIN

Service Dates: 09/18/18 - 09/19/18

Account Number: SV0045956231

Bill Date: 04/03/20

Insurance Coverage	Insurance Policy Number	Insurance Group Number
MEDICARE	556787005A	
AARP HEALTHCARE OPTIONS	39937965912	

Service Date	Code	Description	Quantity	Amount
		025x Pharmacy		
09/19/18	60001596	BACITRACIN IM 50000 U VIAL	1	99.89
				99.89
		027x Med/Surg Supplies and Devices		
09/19/18	30000145	AIRWAY LARYNGEAL MASK ADLT	1	394.10
09/19/18	30003160	GARMENT SCD FLOWTRON HNE	1	1,631.30
09/19/18	30006185	IMPL SCREW	3	4,837.20
09/19/18	30007675	LINER SUCTION	1	145.20
09/19/18	30013470	SPLINTING SUPPLIES	1	219.40
09/19/18	30015100	IMPL PEG SMOOTH	5	1,498.00
09/19/18	30015105	IMPL PLATE DVR ANATOMIC	1	11,860.70
09/19/18	30015315	WARMER/BLANKET	1	209.40
09/19/18	30016055	MEGADYNE ULTRA VAC	1	900.10
09/19/18	30016305	PACK MINI	1	2,716.20
09/19/18	60014433	SODIUM CHLORIDE 0.9% 10 ML	1	0.00
				24,411.60
		030x Laboratory		
09/18/18	34001035	..CBC: AUTO DIFF (5)	1	104.90
09/18/18	34001376	COMP METABOLIC PNL	1	210.30
09/18/18	34004368	..PT (PROTHROMBIN TIME)	1	78.80
09/18/18	34004379	..PTT (PART-THROM TIME)	1	90.00
09/18/18	34005273	UA AUTO W MIC	1	88.10

Total Charges	36,371.26
Total Due:	36,371.26

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Page 2 of 2

Service Date	Code	Description	Quantity	Amount
09/18/18	34005391	VENIPUNCTURE ROUTINE	1	16.50
				588.60
		032x Radiology - Diagnostic		
09/18/18	46000078	XR CHEST 2 VIEWS	1	341.20
09/19/18	46001563	XR WRIST/COMP MIN 3V	1	293.90
09/19/18	46001574	..XR FLUOR UP TO 1HR	1	420.30
				1,055.40
		036x Operating Room Services		
09/19/18	24000641	SURGERY ONE HOUR - OP	1	2,336.10
09/19/18	24000644	SURGERY FIRST SUB 30MIN - OP	1	585.00
09/19/18	24000647	SURGERY SEC SUB 30MIN - OP	1	1,170.00
09/19/18	24000859	OR ACUITY LEVEL 3	1	1,028.60
09/19/18	24001101	RN FIRST ASST PER HOUR	1	392.70
				5,512.40
		037x Anesthesia		
09/19/18	28000133	ANESTHESIA ONE HOUR	1	817.70
09/19/18	28000134	ANESTHESIA PER MINUTE	38	520.60
				1,338.30
		063x Pharmacy (Extended)		
09/19/18	60002993	CEFAZOLIN INJ 1 GM VIAL	1	99.74
09/19/18	60004478	DEXAMETHASONE INJ 10 MG	1	99.53
09/19/18	60006469	FENTANYL INJ 0.05 MG/ML 2 ML	1	102.09
09/19/18	60007855	HYDROMORPHONE INJ 2 MG	2	192.94
09/19/18	60008713	KETOROLAC INJ 30 MG/ML VIAL	1	101.85
09/19/18	60009912	MEPERIDINE INJ 50 MG	1	97.96
09/19/18	60010385	METOCLOPRAMIDE INJ 5MG/ML 2ML	1	100.57
09/19/18	60010517	MIDAZOLAM HCL INJ 2MG	1	95.51
09/19/18	60011837	ONDANSETRON INJ 4 MG	1	96.54
09/19/18	60013465	PROPOFOL INJ 200 MG (GENERIC)	1	96.67
09/19/18	60021847	LACTATED RINGERS IV SOL 1000ML	1	101.85
09/19/18	60036088	ROPIVAC INJ .5% 5MG/ML 30ML	1	188.52
				1,370.77
		071x Recovery Room		
09/19/18	24000930	RECOVERY ONE HOUR	1	811.20
09/19/18	24000931	RECOVERY PER MINUTE	43	584.80
09/19/18	24000932	RECOVERY 30 MINUTES	1	405.70
				1,801.70
		073x EKG/ECG (Electrocardiogram)		
09/18/18	42000023	EKG 12 LEAD TRACE ONLY	1	192.60
				192.60

Sent 04/03/2020 10:35:19, Page - 31

Page 1 of 1

**SIERRA VIEW**
MEDICAL CENTER

Responsible Party:

VOLZ, KARIN

XXXXXXXXXXXX

XXXXXXXXXXXXXXXXXXXX



Name: VOLZ, KARIN

Service Date: 08/28/19

Account Number: SV0048311708

Bill Date: 04/03/20

Insurance Coverage	Insurance Policy Number	Insurance Group Number
MEDICARE	5VQ5XR30J50	
AARP HEALTHCARE OPTIONS	39937965312	PLAN R

Service Date	Code	Description	Quantity	Amount
08/28/19	48003188	026x IV Therapy IV TX INIT 16-90 MIN NON-CHEMO	1	498.30
				498.30
08/28/19	48002150	063x Pharmacy (Extended) ZOLEDRONIC ACID/MANNIT 5MG INJ	1	9,262.48
				9,262.48
08/28/19	48090078	099x Patient Convenience Items TREATMENT INF LEVEL II (STAT)	1	0.00
				0.00

Total Charges	9,760.78
Total Due:	9,760.78

Sent 04/03/2020 10:35:19, Page - 32

Page 1 of 1



SIERRA VIEW MEDICAL CENTER

Responsible Party:

VOLZ, KARIN

XXXXXXXXXXXX

XXXXXXXXXXXXXXXXXXXXXXX



Name: VOLZ, KARIN

Service Date: 07/02/19

Account Number: SV0048020952

Bill Date: 04/03/20

Insurance Coverage	Insurance Policy Number	Insurance Group Number
MEDICARE	5VQ5XR3UJ50	
AARP HEALTHCARE OPTIONS	39937965312	PLAN N

Service Date	Code	Description	Quantity	Amount
07/02/19	46000122	032x Radiology - Diagnostic MB DXA CENTRAL HIP & SPINE	1	337.30
				337.30

Total Charges	337.30
Total Due:	337.30

Sent 04/03/2020 10:35:19, Page - 33

Page 1 of 1



SIERRA VIEW MEDICAL CENTER

Responsible Party:

VOLZ, KARIN

XXXXXXXXXXXX

XXXXXXXXXXXXXXXXXXXXXXXXXXXX



Name: VOLZ, KARIN

Service Date: 06/07/19

Account Number: SV0048020705

Bill Date: 04/03/20

Insurance Coverage	Insurance Policy Number	Insurance Group Number
MEDICARE	5VQ5XR30J50	
AARP HEALTHCARE OPTIONS	39937965312	

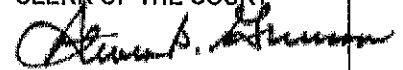
Service Date	Code	Description	Quantity	Amount
06/07/19	46001266	032x Radiology - Diagnostic XR RIBS UNILAT;WPA CXR MDN 3V	1	322.60
				322.60

Total Charges	322.60
Total Due:	322.60

Mercy Inc. Ambulance Service

Send billing inquiries to: **AMERICAN MEDICAL RESPONSE, 50 S. Main St., Suite 401, Akron, OH 44308**
or call: **1-800-913-9106** Keep this portion for your records

Electronically Filed
10/16/2020 1:30 PM
Steven D. Grierson
CLERK OF THE COURT



1 NESO
JERRY S. BUSBY
2 Nevada Bar #001107
COOPER LEVENSON, P.A.
3 3016 West Charleston Boulevard -- #195
Las Vegas, NV 89102
4 (702) 366-1125
FAX: (702) 366-1857
5 jbusby@cooperlevenson.com
Attorneys for Defendant
6 SMITH'S FOOD & DRUG CENTERS, INC.

7 THE EIGHTH JUDICIAL DISTRICT COURT

8 CLARK COUNTY, NEVADA

9 Karin Volz, an individual
10 Plaintiff,

Case No.: A-20-818888-C
Dept. No.: XXVIII

11 vs.

12 THE KROGER CO., a Foreign Corporation
dba SMITH'S #385; SMITH'S FOOD &
13 DRUG CENTERS, INC., a Foreign
Corporation dba SMITH'S #385 DOES I
14 through X, inclusive, and Roe Corporations XI
through XX, inclusive

15 Defendants.
16

**NOTICE OF ENTRY OF STIPULATION
AND ORDER TO DISMISS THE
KROGER CO. WITHOUT PREJUDICE**

17 TO: KARIN VOLZ, Plaintiff;

18 TO: CRYSTAL ELLER, ESQ. of ELLER LAW, LLC, Attorneys for Plaintiff;

19 YOU WILL PLEASE TAKE NOTICE that on the 16th day of October, 2020, an Order
20 was entered in the above-entitled action, a copy of which is attached hereto.

21 Dated this 16th day of October, 2020.

22 COOPER LEVENSON, P.A.

23
24 By /s/ Jerry S. Busby

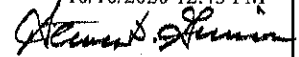
Jerry S. Busby
Nevada Bar No. 001107
3016 West Charleston Boulevard -- #195
Las Vegas, NV 89102
Attorneys for Defendant
SMITH'S FOOD & DRUG CENTERS, INC.

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of COOPER LEVENSON, P.A. and that on this 16th day of October, 2020, I did cause a true copy of the foregoing **NOTICE OF ENTRY OF STIPULATION AND ORDER TO DISMISS THE KROGER CO. WITHOUT PREJUDICE** to be served upon each of the parties listed below via electronic service through the Eighth Judicial District Court's Odyssey E-File and Serve System:

Crystal Eller, Esq.
ELLER LAW, LLC
104 South Jones Boulevard
Las Vegas, NV 89107
Attorneys for Plaintiff

By /s/ Theresa H. Rutkowski
An Employee of
COOPER LEVENSON, P.A.


CLERK OF THE COURT

SODWOP
JERRY S. BUSBY
Nevada Bar #001107
GREGORY A. KRAEMER
Nevada Bar #010911
COOPER LEVENSON, P.A.
3016 West Charleston Boulevard – #195
Las Vegas, NV 89102
(702) 366-1125
FAX: (702) 366-1857
jbusby@cooperlevenson.com
gkraemer@cooperlevenson.com
Attorneys for Defendant
SMITH'S FOOD & DRUG CENTERS, INC.

THE EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

Karin Volz, an individual

Plaintiff,

vs.

Case No.: A-20-818888-C
Dept. No.: XXVIII

THE KROGER CO., a Foreign Corporation
dba SMITH'S #385; SMITH'S FOOD &
DRUG CENTERS, INC., a Foreign
Corporation dba SMITH'S #385 DOES I
through X, inclusive, and Roe Corporations XI
through XX, inclusive

Defendants.

**STIPULATION AND ORDER TO
DISMISS DEFENDANT THE KROGER
CO. WITHOUT PREJUDICE**

Plaintiff KARIN VOLZ, by and through her attorneys of record, Crystal Eller, Esq. and Nicole C. Bolick, Esq. of ELLER LAW, LLC, and Defendant SMITH'S FOOD & DRUG CENTERS, INC., hereby stipulate and agree as follows:

Inasmuch as Defendant SMITH'S FOOD & DRUG CENTERS, INC. has admitted that it owned, operated, controlled, and/or maintained Smiths #385 located at 2211 North Rampart Boulevard, Las Vegas, NV 89128, the parties hereby agree that Defendant THE KROGER CO. is an unnecessary party to this litigation; therefore,

IT IS HEREBY STIPULATED AND AGREED that Defendant THE KROGER CO. be dismissed, without prejudice;

///

Karin Volz v. Smith's Food & Drug Centers, Inc.
Case No. A-20-818888-C

IT IS FURTHER STIPULATED AND AGREED that Plaintiff may move to rename THE KROGER CO. as a Defendant in this litigation at any time up to the date set by the Court for amending pleadings should it be determined at a future date that THE KROGER CO. is a necessary party to this litigation.

DATED this 12th day of October 2020.

DATED this 12th day of October 2020.

ELLER LAW GROUP

COOPER LEVENSON, P.A.

/s/ Crystal Eller

/s/ Jerry S. Busby

Nicole C. Bolick, Esq.

Jerry S. Busby, Esq.

Nevada Bar No. 15015

Nevada Bar No. 1107

Crystal Eller, Esq.

3016 West Charleston Boulevard, #195

Nevada Bar No. 4978

Las Vegas, NV 89102

104 South Jones Boulevard

Telephone: (702) 366-1125

Las Vegas, NV 89107

Attorneys for Defendant

Telephone: (702) 685-6655

Smith's Food & Drug Centers, Inc.

Attorneys for Plaintiff Karin Volz

IT IS SO ORDERED.

DATED this ____ day of October, 2020

Dated this 16th day of October, 2020



DISTRICT COURT JUDGE

6F9 D37 F6EF 57D6

SC

Ronald J. Israel
District Court Judge

Respectfully Submitted By:

COOPER LEVENSON, P.A.

JERRY S. BUSBY, ESQ.

Nevada Bar No. 001107

3016 West Charleston Boulevard – Suite 195

Las Vegas, Nevada 89102

(702) 366-1125

Attorneys for Defendant

SMITH'S FOOD & DRUG CENTERS, INC.

Rutkowski Theresa H.

From: Busby Jerry S.
Sent: Monday, October 12, 2020 2:45 PM
To: Rutkowski Theresa H.
Subject: FW: Volz v. Smith's

From: Nicole Bolick [<mailto:Nicole@crystalforthepeople.com>]
Sent: Monday, October 12, 2020 12:43 PM
To: Busby Jerry S.; Crystal Eller
Cc: Kraemer, Gregory A.; Marques Andre
Subject: RE: Volz v. Smith's

Jerry,

Please change the date on the stipulation to October 12, 2020. Once that change has been made you have Crystal Eller's authorization to sign the STIPULATION AND ORDER TO DISMISS DEFENDANT THE KROGER CO. WITHOUT PREJUDICE on her behalf.

Thank you,
Nicole Bolick



Nicole C. Bolick, Esq.
Eller Law, LLC
(702) 685-6655 Office
(702) 804-5090 Fax
www.crystalforthepeople.com

From: Busby Jerry S. <JBUSBY@cooperlevenson.com>
Sent: Wednesday, October 07, 2020 12:23 PM
To: Nicole Bolick <Nicole@crystalforthepeople.com>
Cc: Kraemer, Gregory A. <GKRAEMER@cooperlevenson.com>; Marques Andre <AMARQUES@cooperlevenson.com>
Subject: Volz v. Smith's

Nicole,

Here is the stipulation to dismiss Kroger that I drafted back in September. I guess it was never sent to you. Although you've said that the Rich v. Smith's case is being handled by Michael Amador, this is the same stipulation that was used in that case.

Let me know if any changes are necessary to the stipulation. Also, please confirm that you do not intend to enter a default in this case.

Jerry S. Busby, Esq.

Cooper Levenson, Attorneys at Law

3016 West Charleston Blvd., Suite 195

Las Vegas, NV 89102

Office (702) 366-1125

Direct Fax (702) 366-1857

E-Mail: jbusby@cooperlevenson.com

URL: <http://www.cooperlevenson.com>

Cooper Levenson, P.A.

Atlantic City / Cherry Hill / Bear, DE / Las Vegas, NV



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1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

4
5
6 Karin Volz, Plaintiff(s)

CASE NO: A-20-818888-C

7 vs.

DEPT. NO. Department 28

8 The Kroger Co., Defendant(s)

9
10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Stipulation and Order for Dismissal Without Prejudice was served via
13 the court's electronic eFile system to all recipients registered for e-Service on the above
entitled case as listed below:

14 Service Date: 10/16/2020

15 Jerry Busby

jbusby@cooperlevenson.com

16 Gregory Kraemer

gkraemer@cooperlevenson.com

17 Theresa Rutkowski

trutkowski@cooperlevenson.com

18 Crystal Eller

Crystal@crystalforthepeople.com

19 Andre Marques

amarques@cooperlevenson.com

20 Nicole Bolick

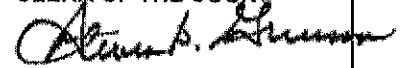
nicole@crystalforthepeople.com

21 Penny Ranan

pranan@cooperlevenson.com

22
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Steven D. Grierson
CLERK OF THE COURT



CDRG

DISTRICT COURT

CLARK COUNTY, NEVADA

Karin Volz, Plaintiff(s)

vs.

CASE NO: A-20-818888-C

DEPT. NO: XXVIII

Smith's Food & Drug Centers, Inc.,

Defendant(s)

COMMISSIONER'S DECISION ON REQUEST FOR EXEMPTION

REQUEST FOR EXEMPTION FILED ON: October 07, 2020

EXEMPTION FILED BY: Plaintiff OPPOSITION: No

DECISION

Having reviewed the Request for Exemption, and all related pleadings, the Request for Exemption is hereby GRANTED.

DATED this 22nd of October, 2020.



ADR COMMISSIONER

NOTICE

Pursuant to Nevada Arbitration Rule 5(D), you are hereby notified you have five (5) days from the date you are served with this document within which to file written objections with the Clerk of Court and serve all parties. The Commissioner's Decision is deemed served three (3) days after the Commissioner's designee deposits a copy of the Decision in the U.S. Mail. **Pursuant to NEFCR Rule 9(f)(2) an additional 3 days is not added to the time if served electronically (via e-service).**

A copy of the foregoing Commissioner's Decision on Request for Exemption was electronically served, pursuant to N.E.F.C.R. Rule 9, to all registered parties in the Eighth Judicial District Court Electronic Filing Program on the date of e-filing.

If indicated below, a copy of the foregoing Commissioner's Decision on Request for Exemption was also:

☐ Mailed by United States Postal Service, Postage prepaid, to the proper parties listed below at their last known address(es) on _____, 2020.

/s/ Loretta Walker
ADR COMMISSIONER'S DESIGNEE